

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**REBA J. ECHEZABAL**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:06cv522-LTS-RHW**

**STATE FARM FIRE & CASUALTY COMPANY**

**DEFENDANT**

**ORDER**

This case is before the Court on [64] motion for protective order and for emergency hearing filed June 8, 2007, and [68] motion to quash deposition subpoena and subpoena duces tecum filed June 11, 2007. Both motions were filed by State Farm, and both relate, at least to some degree, to a scheduled June 14, 2007 deposition of John Conser,<sup>1</sup> a State Farm employee. The Court having reviewed the matter and having conducted a telephone conference with counsel for the parties on June 11, 2007, finds the motions should be granted in part and denied in part.

[ \*\*\*\*\*TAKE NOTE OF FOLLOWING PARAGRAPH\*\*\*\*\* ]

Initially, the Court takes this opportunity to address what appears to be a growing trend by counsel in Hurricane Katrina cases to delay scheduling key depositions until the discovery deadline is looming. This leads to the filing of more and more motions for which the parties request “emergency” hearings, abandonment of the usual briefing schedules, and immediate rulings by the Court. Counsel for the parties in Hurricane Katrina cases should notice and schedule necessary or desired depositions sufficiently in advance of the discovery deadline to avoid the filing of eleventh-hour emergency motions for protective orders, extension of deadlines and continuances of trial dates. The Court is committed to fulfilling its obligation to keep these cases moving toward conclusion, and expects counsel to cooperate in this effort.

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<sup>1</sup>Plaintiff refers to this individual as John Coasner. The Court opts to use the spelling provided by his employer, State Farm.

With respect to the motions presently at issue, the Court grants the motion for protective order to the extent that the Plaintiff's [61] notice of deposition filed June 6, 2007 is quashed and the 30(b)(6) deposition is canceled. The notice purports to be a notice of the 30(b)(6) deposition of State Farm, but improperly names Conser as the deponent. Since the deposition is canceled, the Court will not address the specific challenges to the areas of inquiry and request for documents included in the notice of the 30(b)(6) deposition, but based upon the telephone conference, the Court advises the parties that many of the areas of inquiry noticed for the 30(b)(6) deposition do appear to be overly broad and irrelevant to the issues in this case.

The Court quashes the deposition subpoena to the extent that it requires Conser, a non-party Minnesota resident, to appear for deposition in Tupelo, Mississippi. The Court also quashes the subpoena duces tecum issued to Conser, as improperly and untimely served. The subpoena duces tecum was not served on Conser, it was served upon State Farm's attorney less than a week prior to the scheduled June 14, 2007 deposition.

Pursuant to the agreement reached during the telephone conference, the parties are allowed to proceed with the individual deposition of John Conser in Minneapolis, Minnesota, as scheduled. It is therefore,

**ORDERED** that the motion for protective order is granted in part and denied in part; the motion for emergency hearing is granted as the matter was heard by telephone on June 11, 2007; and the Court grants in part and denies in part the motion to quash the deposition subpoena and subpoena duces tecum as set forth above.

SO ORDERED, this the 13<sup>th</sup> day of June, 2007.

/s/ ~~Robert H. Walker~~

ROBERT H. WALKER  
UNITED STATES MAGISTRATE JUDGE